FARAD CONTINUATION SHEET NO.
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.42 OF 2004

| Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
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A.P.P.Mr.S.S.Pednekar for the State.

**CORAM : R.S. MOHITE,J.**
**DATED : 12/1/2006.**

**P.C.**

1. This is an appeal filed by the State impugning a judgment and order passed by the J.M.F.C. Malegaon on 17.5.2003 acquitting the accused for offences punishable under Section 33,44 of the Indian Electricity Act. On perusing the impugned judgment and order, it is seen that same is given on cogent and acceptable reasons The allegation was that the accused had committed theft of electricity by introducing a kitkat a kind of chocolate of foil on top. The introduction of kitkat had caused the

meter from functioning and black colour cable wire was directly taken from the power room. It is mentioned by the court that kitkat said to have been introduced. The Investigating Officer has admitted that though the meter has been removed during investigation, no foreign means were found in the meter. In this view of the matter, it cannot be said that the impugned judgment is perverse. Hence, leave refused. Consequently the appeal stands dismissed.

**(R. S. MOHITE, J.)**